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COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, DECEMBER 3, 1997

COMMONWEALTH OF VIRGINIA

At the relation of the

CASE NO. PUC970173

STATE CORPORATION COMMISSION

Ex Parte: In the matter of
revising Rules for Pay Telephone
Service and Instruments pursuant
to the Pay Telephone Registration Act

ORDER BIFURCATING PROCEEDING
AND DIRECTING STAFF TO FILE
REPORT

On November 4, 1997, the State Corporation Commission ("Commission") issued an Order which gave notice of proposed revisions to the Commission's Rules for Pay Telephone Service and Instruments to pay telephone providers, local exchange carriers ("LECs"), and interexchange carriers subject to the Commission's jurisdiction. These proposed rule revisions sought to eliminate disparities between the pay telephone service provided by local exchange carriers and that provided by companies formerly known as private pay telephone providers. The Commission's Order required that notice of the proposed rule revisions be mailed directly to Virginia LECS, certificated interexchange carriers, and private pay telephone providers. Comments and requests for hearing on the proposed rule revisions were to be filed with the Clerk of the Commission on or before November 25, 1997.

No requests for hearing were filed in response to the November 4, 1997 Order. Timely comments were filed by Bell Atlantic-Virginia, Inc. ("BA-VA"), GTE South Incorporated ("GTE"), the Virginia Telecommunications Industry Association ("VTIA"), and AT&T Communications of Virginia, Inc. ("AT&T") .

Among other things, BA-VA, GTE, and the VTIA addressed the proposed rule revisions related to payphone registration fees in Rule A.3 of the pay telephone rules. They also proposed additional rule revisions which, among other things, would revise the rates for directory assistance (Rule A.8), local coin rates (Rule A.11) and the maximum allowable charge for intrastate, intraLATA toll calls, set out in Rule A.12. In addition, AT&T proposed that the notice provisions of new Rule A.13 and Attachment, § B be modified to include the posting by payphone providers of the rates for local coin calls on all coin-operated payphones.

NOW, UPON CONSIDERATION of the foregoing, the Commission is of the opinion and finds that no hearing should be convened herein, and that the scope of the rule revisions proposed by the commentators require that this rulemaking be bifurcated into two phases. Phase I of this proceeding will consider the first three rule revisions proposed by the Staff dealing with the registration of pay telephone service providers and the date by which such registration must occur. The second phase of this proceeding will consider the additional rule revisions proposed by those filing comments and will necessitate additional notice to the public since some of these proposals may affect the charges the public will pay when they use pay telephone instruments. Therefore, we will direct our Staff to file a report in Phase I of this proceeding and will permit those filing timely comments to respond to this report as part of Phase I. Thereafter, a further order shall be entered to establish further procedures for Phase II.

Accordingly, IT IS ORDERED THAT:

(1) This matter shall be bifurcated into two phases. Phase I shall consider proposed Rules A.1 through A.3, dealing with registration of pay telephone instruments. Phase II shall consider the additional rule revisions recommended in the comments filed herein, together with any additional revisions to the rules the Staff and participants wish the

Commission to consider.

(2) The Staff shall file a report addressing the comments on the revisions to proposed Rules A.1 through A.3 with the Clerk of the Commission on or before December 4, 1997. On or before December 4, 1997, the Staff shall telefax a copy of its report to counsel for BA-VA, GTE, the VTIA and AT&T.

(3) BA-VA, GTE, the VTIA and AT&T shall file their respective responses, if any, to the Staff Report with the Clerk of the Commission on or before December 10, 1997, and shall serve a copy of their responses on counsel for Staff, on or before December 10, 1997.

(4) This matter shall be continued until further order of the Commission.